

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 13-CR-521-LTS

DENNIS GOGEL

Defendant.

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ORDER

The Court has received Defendant Dennis Gogel's motion for a reduction in sentence, pursuant to 18 U.S.C. section 3582(c)(1)(A), dated September 13, 2021. The Court has also received Mr. Gogel's motion for the appointment of counsel. Because Mr. Gogel's motion contains his complete birth date and sensitive information regarding his family, the Court will file a redacted version of the motion on the public docket, and will file the complete, unredacted motion under seal.

The Government is directed to file its response to Mr. Gogel's compassionate release motion by **October 13, 2021**. The Government may request that the Court file any sensitive records that are included in the response under seal, and sensitive information may be redacted from the response that is filed on ECF. A complete, unredacted courtesy copy of the Government's response must be mailed to Mr. Gogel, and emailed to Chambers via SwainNYSDCorresp@nysd.uscourts.gov.

Mr. Gogel's reply to the Government's response, if any, must be filed by **November 8, 2021**.

The Court will hold Mr. Gogel's request for counsel in abeyance pending its review of the Government's response and Mr. Gogel's reply, as it appears at this point that the

merits of his application are uncertain, and that Mr. Gogel is able to present the relevant factual issues and arguments sufficiently by using the resources currently available to him. See Hodge v. Police Officers, 802 F.2d 58, 60-61 (2d Cir. 1986) (noting that the Court may appoint counsel for an indigent party in the Court's discretion, taking into account the "merits of the indigent's claim," the "nature of the factual issues the claim presents," and the party's "apparent ability to present the case").

Chambers will mail a copy of this Order to Mr. Gogel.

SO ORDERED.

Dated: New York, New York
September 30, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

Copy mailed to:

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